

Sen. Kwame Raoul

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AMENDMENT TO SENATE BILL 7 1 2 AMENDMENT NO. . Amend Senate Bill 7 by replacing everything after the enacting clause with the following: 3 "Section 1. Short title. This Act may be cited as the Youth 4 5 Sports Concussion Safety Act. 6 Section 5. Definitions. In this Section: 7 "Coach" means any volunteer or employee of a youth sports league who is responsible for organizing and supervising 8 players and teaching them or training them in the fundamental 9 skills of extracurricular athletic activities provided by the 10 11 youth sports league. "Coach" refers to both head coaches and assistant coaches. 12 "Concussion" means a complex pathophysiological process 13 affecting the brain caused by a traumatic physical force or 14 15 impact to the head or body, which may include temporary or

prolonged altered brain function resulting in physical,

cognitive, or emotional symptoms or altered sleep patterns and which may or may not involve a loss of consciousness.

"Game official" means a person who officiates at a sponsored youth sports activity, such as a referee or umpire, including, but not limited to, persons enrolled as game officials by the Illinois High School Association, the Illinois Elementary School Association, or a youth sports league.

"Player" means an adolescent or child participating in any sponsored youth sports activity of a youth sports league.

"Sponsored youth sports activity" means any athletic activity, including practice or competition, for players under the direction of a coach, athletic director, or band leader of a youth sports league, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, wrestling, and any other sport offered by a youth sports league. A sponsored youth sports activity does not include an interscholastic athletic activity as that term is defined in Section 22-80 of the School Code.

"Youth sports league" means any incorporated or unincorporated, for-profit or not-for-profit entity that organizes and provides sponsored youth sports activities, including, but not limited to, any athletic association, organization, or federation in this State that is owned,

- 1 operated, sanctioned, or sponsored by a unit of local
- 2 government or that is owned, operated, sanctioned, or sponsored
- 3 by a private person or entity, as well as any amateur athletic
- 4 organization or qualified amateur sports organization in this
- 5 State under the U.S. Internal Revenue Code (26 U.S.C. Sec.
- 6 501(c)(3) or Sec. 501(j).
- 7 Section 10. Scope of Act. This Act applies to any
- 8 sponsored youth sports activity sponsored or sanctioned by a
- 9 youth sports league. This Act does not apply to an
- 10 interscholastic athletic activity as that term is defined in
- 11 Section 22-80 of the School Code. This Act applies to sponsored
- 12 youth sports activities beginning or continuing after January
- 13 1, 2016.
- 14 Section 15. Concussion and head injury educational
- 15 materials. Each youth sports league with players who
- 16 participate in any youth-sponsored sports activity sponsored
- or sanctioned by the youth sports league is encouraged to make
- available, electronically or in writing, to coaches, game
- 19 officials, and players, as well as the parents, guardians, and
- 20 other persons with legal authority to make medical decisions,
- 21 educational materials that describe the nature and risk of
- 22 concussions and head injuries, including the advisability of
- 23 removal of players that exhibit signs, symptoms, or behaviors
- consistent with a concussion, such as a loss of consciousness,

- 1 a headache, dizziness, confusion, or balance problems, from
- 2 participating in a youth-sponsored sports activity sponsored
- 3 or sanctioned by the youth sports league.
- 4 These educational materials may include materials produced
- or distributed by the Illinois High School Association, those
- 6 produced by the U.S. Centers for Disease Control and
- 7 Prevention, or other comparable materials. The intent of these
- 8 materials is to assist in educating coaches, game officials,
- 9 and players and parents, guardians, and other persons with
- 10 legal authority to make medical decisions for players about the
- 11 nature and risks of head injuries.
- 12 Section 75. The Park District Code is amended by changing
- 13 Section 8-24 as follows:
- 14 (70 ILCS 1205/8-24)
- 15 Sec. 8-24. Concussion and head injury educational
- 16 materials.
- 17 (a) In addition to the other powers and authority now
- 18 possessed by it, any park district is authorized and encouraged
- 19 to make available to residents and users of park district
- 20 facilities, including youth athletic programs, electronically
- or in written form, educational materials that describe the
- 22 nature and risk of concussion and head injuries, including the
- advisability of removal of youth athletes that exhibit signs,
- 24 symptoms, or behaviors consistent with a concussion, such as a

- 1 loss of consciousness, headache, dizziness, confusion, or
- balance problems, from a practice or game. These educational 2
- 3 materials may include materials produced or distributed by the
- 4 Illinois High School Association, those produced by the U.S.
- 5 Centers for Disease Control and Prevention, or other comparable
- 6 materials. The intent of these materials is to assist in
- educating coaches, youth athletes, and parents and quardians of 7
- 8 youth athletes about the nature and risks of head injuries.
- 9 (b) Each park district is subject to and shall comply with
- 10 the requirements of the Youth Sports Concussion Safety Act if
- 11 the park district offers a sponsored youth sports activity as a
- youth sports league as those terms are defined in the Youth 12
- 13 Sports Concussion Safety Act.
- 14 (Source: P.A. 97-204, eff. 7-28-11.)
- 15 Section 80. The School Code is amended by adding Section
- 16 22-80 and by changing Section 27A-5 as follows:
- (105 ILCS 5/22-80 new) 17
- 18 Sec. 22-80. Student athletes; concussions and head
- 19 injuries.
- 20 (a) The General Assembly recognizes all of the following:
- 21 (1) Concussions are one of the most commonly reported
- 22 injuries in children and adolescents who participate in
- 23 sports and recreational activities. The Centers for
- 24 Disease Control and Prevention estimates that as many as

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- (2) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions occur with or without loss of consciousness, but the vast majority of concussions occur without loss of consciousness.
- (3) Continuing to play with a concussion or symptoms of a head injury leaves a young athlete especially vulnerable to greater injury and even death. The General Assembly recognizes that, despite having generally recognized return-to-play standards for concussions and head injuries, some affected youth athletes are prematurely returned to play, resulting in actual or potential physical injury or death to youth athletes in this State.
- (4) Student athletes who have sustained a concussion may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff

1	until the student is fully recovered. To that end, all
2	schools are encouraged to establish a return-to-learn
3	protocol that is based on peer-reviewed scientific
4	evidence consistent with Centers for Disease Control and
5	Prevention guidelines and conduct baseline testing for
6	student athletes.
7	(b) In this Section:
8	"Athletic trainer" means an athletic trainer licensed
9	under the Illinois Athletic Trainers Practice Act.
10	"Coach" means any volunteer or employee of a school who is
11	responsible for organizing and supervising students to teach
12	them or train them in the fundamental skills of an
13	interscholastic athletic activity. "Coach" refers to both head
14	coaches and assistant coaches.
15	"Concussion" means a complex pathophysiological process
16	affecting the brain caused by a traumatic physical force or
17	impact to the head or body, which may include temporary or
18	prolonged altered brain function resulting in physical,
19	cognitive, or emotional symptoms or altered sleep patterns and
20	which may or may not involve a loss of consciousness.
21	"Department" means the Department of Financial and
22	Professional Regulation.
23	"Game official" means a person who officiates at a
24	interscholastic athletic activity, such as a referee or umpire,
25	including, but not limited to, persons enrolled as game
26	officials by the Illinois High School Association or Illinois

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Elementary School Association.

"Interscholastic athletic activity" means any organized school-sponsored or school-sanctioned activity for students, generally outside of school instructional hours, under the direction of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling. All interscholastic athletics are deemed to be interscholastic activities. "Licensed healthcare professional" means a person who has experience with concussion management and who is a nurse, a psychologist who holds a license under the Clinical Psychologist Licensing Act and specializes in the practice of neuropsychology, a physical therapist licensed under the Illinois Physical Therapy Act, an occupational therapist licensed under the Illinois Occupational Therapy Practice Act, or otherwise holds a professional license from the Department of Financial and Professional Regulation in the field of healthcare. "Nurse" means a person who is employed by or volunteers at a school and is licensed under the Nurse Practice Act as a registered nurse, practical nurse, or advanced practice nurse.

"Physician" means a physician licensed to practice

- 1 medicine in all of its branches under the Medical Practice Act
- 2 of 1987.
- "School" means any public or private elementary or 3
- 4 secondary school, including a charter school.
- 5 "Student" means an adolescent or child enrolled in a
- 6 school.
- (c) This Section applies to any interscholastic athletic 7
- activity, including practice and competition, sponsored or 8
- 9 sanctioned by a school, the Illinois Elementary School
- 10 Association, or the Illinois High School Association. This
- Section applies beginning with the 2015-2016 school year. 11
- (d) The governing body of each public or charter school and 12
- 13 the appropriate administrative officer of a private school with
- 14 students enrolled who participate in an interscholastic
- 15 athletic activity shall appoint or approve a concussion
- 16 oversight team. Each concussion oversight team shall establish
- a return-to-play protocol, based on peer-reviewed scientific 17
- evidence consistent with Centers for Disease Control and 18
- 19 Prevention guidelines, for a student's return to
- 20 interscholastic athletics practice or competition following a
- 21 force or impact believed to have caused a concussion. Each
- 22 concussion oversight team shall also establish a
- return-to-learn protocol, based on peer-reviewed scientific 23
- 24 evidence consistent with Centers for Disease Control and
- 25 Prevention guidelines, for a student's return to the classroom
- after that student is believed to have experienced a 26

1 concussion, whether or not the concussion took place while the student was participating in an interscholastic athletic 2

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Each concussion oversight team must include to the extent practicable at least one physician. If a school employs an athletic trainer, the athletic trainer must be a member of the school concussion oversight team to the extent practicable. If a school employs a nurse, the nurse must be a member of the school concussion oversight team to the extent practicable. At a minimum, a school shall appoint a person who is responsible for implementing and complying with the return-to-play and return-to-learn protocals adopted by the concussion oversight team. A school may appoint other licensed healthcare professionals to serve on the concussion oversight team.

(e) A student may not participate in an interscholastic athletic activity for a school year until the student and the student's parent or quardian or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion. The form must be approved by Illinois High School Association.

(f) A student must be removed from an interscholastic athletics practice or competition immediately if one of the

1	following persons believes the student might have sustained a
2	concussion during the practice or competition:
3	(1) a coach;
4	(2) a physician;
5	(3) a game official;
6	(4) an athletic trainer;
7	(5) the student's parent or quardian or another person
8	with legal authority to make medical decisions for the
9	student;
10	(6) the student; or
11	(7) any other person deemed appropriate under the
12	school's return-to-play protocol.
13	(g) A student removed from an interscholastic athletics
14	practice or competition under this Section may not be permitted
15	to practice or compete again following the force or impact
16	believed to have caused the concussion until:
17	(1) the student has been evaluated, using established
18	medical protocols based on peer-reviewed scientific
19	evidence consistent with Centers for Disease Control and
20	Prevention guidelines, by a treating physician (chosen by
21	the student or the student's parent or guardian or another
22	person with legal authority to make medical decisions for
23	the student) or an athletic trainer working under the
24	supervision of a physician;
25	(2) the student has successfully completed each
26	requirement of the return-to-play protocol established

1	under this Section necessary for the student to return to
2	play;
3	(3) the student has successfully completed each
4	requirement of the return-to-learn protocol established
5	under this Section necessary for the student to return to
6	<pre>learn;</pre>
7	(4) the treating physician or athletic trainer working
8	under the supervision of a physician has provided a written
9	statement indicating that, in the physician's professional
10	judgment, it is safe for the student to return to play and
11	return to learn; and
12	(5) the student and the student's parent or guardian or
13	another person with legal authority to make medical
14	decisions for the student:
15	(A) have acknowledged that the student has
16	completed the requirements of the return-to-play and
17	return-to-learn protocols necessary for the student to
18	<pre>return to play;</pre>
19	(B) have provided the treating physician's or
20	athletic trainer's written statement under subdivision
21	(4) of this subsection (g) to the person responsible
22	for compliance with the return-to-play and
23	return-to-learn protocols under this subsection (g)
24	and the person who has supervisory responsibilities
25	under this subsection (q); and
26	(C) have signed a consent form indicating that the

1	<pre>person signing:</pre>
2	(i) has been informed concerning and consents
3	to the student participating in returning to play
4	in accordance with the return-to-play and
5	return-to-learn protocols;
6	(ii) understands the risks associated with the
7	student returning to play and returning to learn
8	and will comply with any ongoing requirements in
9	the return-to-play and return-to-learn protocols;
10	<u>and</u>
11	(iii) consents to the disclosure to
12	appropriate persons, consistent with the federal
13	Health Insurance Portability and Accountability
14	Act of 1996 (Public Law 104-191), of the treating
15	physician's written statement under subdivision
16	(4) of this subsection (g) and, if any, the
17	return-to-play and return-to-learn recommendations
18	of the treating physician or the athletic trainer,
19	as the case may be.
20	A coach of an interscholastic athletics team may not
21	authorize a student's return to play or return to learn.
22	The district superintendent or the superintendent's
23	designee in the case of a public elementary or secondary
24	school, the chief school administrator or that person's
25	designee in the case of a charter school, or the appropriate
26	administrative officer or that person's designee in the case of

1	a private school shall supervise an athletic trainer or other
2	person responsible for compliance with the return-to-play
3	protocol and shall supervise the person responsible for
4	compliance with the return-to-learn protocol. The person who
5	has supervisory responsibilities under this paragraph may not
6	be a coach of an interscholastic athletics team.
7	(h)(1) The Illinois High School Association shall approve,
8	for coaches and game officials of interscholastic athletic
9	activities, training courses that provide for not less than 2
10	hours of training in the subject matter of concussions,
11	including evaluation, prevention, symptoms, risks, and
12	<u>long-term effects</u> . The Association shall maintain an updated
13	<u>list</u> of individuals and organizations authorized by the
14	Association to provide the training.
15	(2) The Department shall approve, for athletic trainers,
16	training courses in the subject matter of concussions and shall
17	maintain an updated list of individuals and organizations
18	authorized by the Department to provide the training.
19	(3) The following persons must take a training course in
20	accordance with paragraph (5) of this subsection (h) from an
21	authorized training provider at least once every 2 years:
22	(A) a coach of an interscholastic athletic activity;
23	(B) a nurse who serves as a member of a concussion
24	oversight team and is an employee, representative, or agent
25	of a school;

(C) a game official of an interscholastic athletic

1	activity; and
2	(D) a nurse who serves on a volunteer basis as a member
3	of a concussion oversight team for a school.
4	(4) A physician who serves as a member of a concussion
5	oversight team shall, to the greatest extent practicable,
6	periodically take an appropriate continuing medical education
7	course in the subject matter of concussions.
8	(5) For purposes of paragraph (3) of this subsection (h):
9	(A) a coach or game officials, as the case may be, must
10	take a course described in paragraph (1) of this subsection
11	<u>(h).</u>
12	(B) an athletic trainer must take (i) a course
13	described in paragraph (2) of this subsection (h) or (ii) a
14	course concerning the subject matter of concussions that
15	has been approved for continuing education credit by the
16	appropriate licensing authority for the profession; and
17	(C) a nurse must take a course concerning the subject
18	matter of concussions that has been approved for continuing
19	education credit by the Department.
20	(6) Each person described in paragraph (3) of this
21	subsection (h) must submit proof of timely completion of an
22	approved course in compliance with paragraph (5) of this
23	subsection (h) to the district superintendent or the
24	superintendent's designee in the case of a public elementary or
25	secondary school, the chief school administrator or that
26	person's designee in the case of a charter school, or the

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- (7) A physician, athletic trainer, or nurse who is not in compliance with the training requirements under this subsection (h) may not serve on a concussion oversight team in any capacity.
- (8) A person required under this subsection (h) to take a training course in the subject of concussions must initially complete the training not later than September 1, 2016.
- (i) The governing body of each public or charter school and the appropriate administrative officer of a private school with students enrolled who participate in an interscholastic athletic activity shall develop a venue-specific emergency action plan for interscholastic athletic activities to address the serious injuries and acute medical conditions in which the condition of the student may deteriorate rapidly. The plan shall include a delineation of roles, methods of communication, available emergency equipment, and access to and a plan for emergency transport. This emergency action plan must be:
 - (1) in writing;
 - (2) reviewed by the concussion oversight team;
- (3) approved by the district superintendent or the superintendent's designee in the case of a public elementary or secondary school, the chief school administrator or that person's designee in the case of a charter school, or the appropriate administrative officer

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1	or that person's designee in the case of a private school;
2	(4) distributed to all appropriate personnel;
3	(5) posted conspicuously at all venues; and
4	(6) reviewed and rehearsed annually by all athletic
5	trainers, first responders, coaches, school nurses,
6	athletic directors, and volunteers for interscholastic
7	athletic activities.
8	(j) The State Board of Education may adopt rules as
9	necessary to administer this Section.
10	(105 ILCS 5/27A-5)
11	Sec. 27A-5. Charter school; legal entity; requirements.
12	(a) A charter school shall be a public, nonsectarian,
13	nonreligious, non-home based, and non-profit school. A charter
14	school shall be organized and operated as a nonprofit
15	corporation or other discrete, legal, nonprofit entity
16	authorized under the laws of the State of Illinois.
17	(b) A charter school may be established under this Article
18	by creating a new school or by converting an existing public
19	school or attendance center to charter school status. Beginning
20	on the effective date of this amendatory Act of the 93rd
21	General Assembly, in all new applications to establish a
22	charter school in a city having a population exceeding 500,000,
23	operation of the charter school shall be limited to one campus.

The changes made to this Section by this amendatory Act of the

93rd General Assembly do not apply to charter schools existing

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or approved on or before the effective date of this amendatory

Act.

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

On or before March 1, 2014, the Commission shall submit to t.he General Assembly a report on the effect virtual-schooling, including without limitation the effect on student performance, the costs associated with virtual-schooling, and issues with oversight. The report shall include policy recommendations for virtual-schooling.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open

- 1 Meetings Act.
- 2 (d) A charter school shall comply with all applicable
- health and safety requirements applicable to public schools 3
- 4 under the laws of the State of Illinois.
- 5 (e) Except as otherwise provided in the School Code, a
- 6 charter school shall not charge tuition; provided that a
- charter school may charge reasonable fees for textbooks, 7
- instructional materials, and student activities. 8
- A charter school shall be responsible for 9
- 10 management and operation of its fiscal affairs including, but
- 11 not limited to, the preparation of its budget. An audit of each
- charter school's finances shall be conducted annually by an 12
- 13 outside, independent contractor retained by the charter
- 14 school. To ensure financial accountability for the use of
- 15 public funds, on or before December 1 of every year of
- 16 operation, each charter school shall submit to its authorizer
- and the State Board a copy of its audit and a copy of the Form 17
- 18 990 the charter school filed that year with the federal
- 19 Internal Revenue Service. In addition, if deemed necessary for
- 20 proper financial oversight of the charter school, an authorizer
- 21 may require quarterly financial statements from each charter
- 22 school.
- 23 (g) A charter school shall comply with all provisions of
- 24 this Article; the Illinois Educational Labor Relations Act; all
- 25 federal and State laws and rules applicable to public schools
- 26 that pertain to special education and the instruction of

1	English	language	learners,	referred	to	in	this	Code	as
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- 2 "children of limited English-speaking ability"; and
- charter. A charter school is exempt from all other State laws 3
- 4 and regulations in this Code governing public schools and local
- 5 school board policies, except the following:
- (1) Sections 10-21.9 and 34-18.5 of this Code regarding 6
- criminal history records checks and checks of the Statewide 7
- Sex Offender Database and Statewide Murderer and Violent 8
- 9 Offender Against Youth Database of applicants for
- 10 employment;
- 11 (2) Sections 24-24 and 34-84A of this Code regarding
- discipline of students; 12
- 13 (3) the Local Governmental and Governmental Employees
- 14 Tort Immunity Act;
- 15 (4) Section 108.75 of the General Not For Profit
- 16 Corporation Act of 1986 regarding indemnification of
- 17 officers, directors, employees, and agents;
- 18 (5) the Abused and Neglected Child Reporting Act;
- (6) the Illinois School Student Records Act; 19
- 20 (7) Section 10-17a of this Code regarding school report
- 21 cards:
- 22 (8) the P-20 Longitudinal Education Data System Act;
- 23 and
- 24 Section 27-23.7 of this Code regarding bullying
- 25 prevention; -
- 26 (10) $\frac{(9)}{(9)}$ Section 2-3.162 $\frac{2}{(9)}$ 3.160 of this the School

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1 Code regarding student discipline reporting; and-

(11) Section 22-80 of this Code.

The change made by Public Act 96-104 to this subsection (q) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after the effective date of this amendatory Act of the 93rd General Assembly and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on the effective date of this amendatory Act of the 93rd General Assembly and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by

- 1 the district at cost. Any services for which a charter school
- contracts with a local school board or with the governing body 2
- 3 of a State college or university or public community college
- 4 shall be provided by the public entity at cost.
- 5 (i) In no event shall a charter school that is established
- 6 by converting an existing school or attendance center to
- 7 charter school status be required to pay rent for space that is
- 8 deemed available, as negotiated and provided in the charter
- 9 agreement, in school district facilities. However, all other
- 10 costs for the operation and maintenance of school district
- 11 facilities that are used by the charter school shall be subject
- to negotiation between the charter school and the local school 12
- 13 board and shall be set forth in the charter.
- 14 (j) A charter school may limit student enrollment by age or
- 15 grade level.
- 16 (k) If the charter school is approved by the Commission,
- then the Commission charter school is its own local education 17
- 18 agency.
- 19 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
- 20 97-813, eff. 7-13-12; 98-16, eff. 5-24-13; 98-639, eff. 6-9-14;
- 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 21
- 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; revised 22
- 23 10-14-14.)
- 24 (105 ILCS 5/10-20.54 rep.)
- 25 (105 ILCS 5/34-18.46 rep.)

- 1 Section 85. The School Code is amended by repealing
- 2 Sections 10-20.54 and 34-18.46.
- Section 99. Effective date. This Act takes effect upon 3
- becoming law.". 4